

*See Attachment*

*29 pm  
10/29/01*

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CLEARY,

Plaintiff

vs.

KENNETH KYLER, et al.,

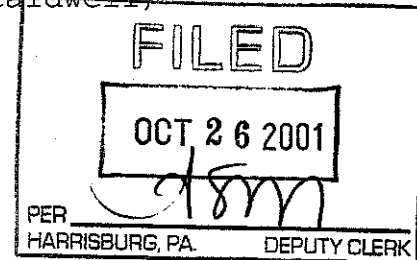
Defendants

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CIVIL NO. 1:CV-00-2125

(Judge Caldwell)

O R D E R




THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

The defendants noticed the plaintiff's deposition for October 23, 2001, at SCI-Camp Hill. The plaintiff has filed a "Motion in Objection to the Defendants' Notice of Oral Deposition." The plaintiff, currently housed at SCI-Pittsburgh asserts, among other things, that his transfer to SCI-Camp Hill (where the alleged events giving rise to the complaint took place) for the purpose of his deposition will subject him to harm and harassment at the hands of defendants' "agents, allies, colleagues, or persons employed at Camp Hill". (Doc. 27, ¶1). The plaintiff requests this court to stay his transfer to SCI-Camp Hill and direct the defendants to take his deposition via telephone.

In opposition, the defendants represent that, since the filing of the plaintiff's motion, the parties have agreed to hold his deposition at another correctional institution to accommodate the

plaintiff and allay his concerns. Based upon this agreement, we will dismiss the plaintiff's motion as moot.

Accordingly, this 26<sup>th</sup> day of October, 2001, upon consideration of the plaintiff's Motion in Objection to the Defendants' Notice of Oral Deposition (doc. 27), it is ordered that the motion is dismissed as moot.

  
WILLIAM W. CALDWELL  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

October 26, 2001

Re: 1:00-cv-02125 Cleary v. Kyler

True and correct copies of the attached were mailed by the clerk  
to the following:

Raymond W. Dorian, Esq.  
Office of Chief Counsel  
PA Dept of Corrections  
55 Utley Drive  
Camp Hill, PA 17011

John Cleary  
SCI Pittsburgh  
DF5779  
Box 999D1  
Pittsburgh, PA 15322

cc:		
Judge	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> ) Pro Se Law Clerk
Magistrate Judge	( )	( ) INS
U.S. Marshal	( )	( ) Jury Clerk
Probation	( )	
U.S. Attorney	( )	
Atty. for Deft.	( )	
Defendant	( )	
Warden	( )	
Bureau of Prisons	( )	
Ct Reporter	( )	
Ctroom Deputy	( )	
Orig-Security	( )	
Federal Public Defender	( )	
Summons Issued	( )	with N/C attached to complt. and served by: U.S. Marshal ( ) Pltf's Attorney ( )
Standard Order 93-5	( )	
Order to Show Cause	( )	with Petition attached & mailed certified mail to: US Atty Gen ( ) PA Atty Gen ( ) DA of County ( ) Respondents ( )
Bankruptcy Court	( )	
Other_____	( )	

MARY E. D'ANDREA, Clerk

DATE: 10/26/01

BY: asm  
Deputy Clerk